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Attorneys for Defendant County of Stanislaus

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA, FRESNO DIVISION

NICHOLAS HONCHARIW, Trustee,
Honchariw Family Trust,

Plaintiff,

v.

COUNTY OF STANISLAUS,

Defendant.

Case No. 1:21-cv-00801-SKO

**ORDER RE STIPULATED
APPLICATION TO MODIFY BRIEFING
AND HEARING SCHEDULE FOR
MOTION FOR SUMMARY JUDGMENT**

Hearing Date: July 31, 2024
Time: 9:30 AM
Courtroom: 7, 6th Floor

Pursuant to Local Rule 144, the parties to this action hereby stipulate and apply to the Court to modify the briefing and hearing schedule on Defendant County of Stanislaus's Motion for Summary Judgment, as set forth below.

WHEREAS, in the Order Re Stipulation And Application To Modify Scheduling Order, Dkt. 58, the Court set the following deadlines, as relevant here:

1. County's Motion for Summary Judgment: May 20, 2024
2. Plaintiff's Opposition: June 24, 2024

3. County's Reply: July 15, 2024

4. Hearing on the Motion: July 31, 2024

WHEREAS, the County recently learned that two of the County's staff members, who are needed to submit declarations in support of the County's Motion for Summary Judgment, will be unavailable until May 20, 2024;

WHEREAS, the County staff members' unavailability would prevent the County from meeting the previously set deadline for the Motion for Summary Judgment;

WHEREAS, the parties have agreed and request that the Court issue an order modifying the briefing and hearing schedule on the County's Motion for Summary Judgment;

WHEREAS, the schedule proposed below will contribute to the efficient conduct and resolution of this case and will best conserve the resources of the parties and the Court; and

WHEREAS, the parties believe that the foregoing constitutes good cause to modify the briefing and hearing schedule.

NOW, THEREFORE, the parties hereby stipulate as follows and request that the Court enter the [Proposed] Order filed concurrently herewith:

1. The County shall file its Motion for Summary Judgment no later than May 28, 2024.

2. Plaintiff's Opposition to the Motion for Summary Judgment shall be due on July 2, 2024.

3. The County's reply shall be due on July 23, 2024.

4. The hearing on the Motion for Summary Judgment shall be set for August 7, 2024, at 9:30 AM in Courtroom 7.

5. Nothing in this stipulation shall affect the other litigation and trial-related deadlines in the Order Re Stipulation And Application To Modify Scheduling Order, Dkt. 58.

DATED: May 14, 2024

SHUTE, MIHALY & WEINBERGER LLP

By: /s/Matthew D. Zinn

MATTHEW D. ZINN

AARON M. STANTON

SHASTA M. FIELDS

Attorneys for Defendant County of Stanislaus

DATED: May 14, 2024

NICHOLAS HONCHARIW, TRUSTEE

By: /s/Nicholas Honchariw (as authorized on 5/14/2024)

NICHOLAS HONCHARIW

Attorneys for Defendant County of Stanislaus

ORDER

Upon the stipulation and application of the parties, and for good cause shown, the Court hereby ORDERS as follows:

1. The County shall file its Motion for Summary Judgment no later than May 28, 2024.
2. Plaintiff's Opposition to the Motion for Summary Judgment shall be due on July 2, 2024.
3. The County's reply shall be due on July 23, 2024.
4. The hearing on the Motion for Summary Judgment shall be set for August 7, 2024, at 9:30 AM in Courtroom 7.
5. Nothing in this stipulation shall affect the other litigation and trial-related deadlines in the Order Re Stipulation and Application to Modify Scheduling Order, Dkt. 58.

IT IS SO ORDERED.

Dated: May 15, 2024

/s/ Sheila K. Oberto
UNITED STATES MAGISTRATE JUDGE